

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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Muchmore's Cafe, LLC
Plaintiff,

-against-

City of New York, et al
Defendant.

-----X

ORDER

14-cv-05668-(RRM)(RER)

An **Initial Conference** will be held at **11:00 a.m.** on **December 30, 2014** before Magistrate Judge Ramon E. Reyes, Jr., in Courtroom **N2E, North Wing located on the 2nd floor**, at 225 Cadman Plaza East, Brooklyn, New York. **Counsel for all parties are directed to appear for the conference in person and report to the Courtroom upon arrival to the courthouse.**

Plaintiffs' counsel is requested to confirm with defendants' counsel that all necessary participants are aware of this conference. In the event an answer has not yet been filed at the time this Order is received, plaintiffs' counsel is to notify counsel for the defendants of this conference as soon as an answer is filed. Plaintiffs' counsel is to notify the undersigned, **in writing**, at least two days before the scheduled conference if an answer still has not been filed. **Requests for adjournments will not be considered unless made at least forty-eight (48) hours before the scheduled conference.**

PRIOR TO THE CONFERENCE, THE PARTIES ARE TO COMPLY WITH THE REQUIREMENTS OF RULE 26(f) OF THE FEDERAL RULES OF CIVIL PROCEDURE. The parties shall meet at least five business days before the initial conference to discuss the matters specified in Fed.R.Civ.P. 26(f) and 16(b); counsel shall also discuss (1) the scope of any anticipated electronic discovery, the preservation of electronically stored data, and the cost of locating, maintaining and producing that data, and (2) whether any party will rely upon expert testimony, and if so, whether counsel are able to reach an agreement on how material exchanged between counsel and any expert witness will be treated, and in particular whether draft expert reports and written and electronic communications between expert witnesses and counsel will be retained. **Counsel shall then complete**

the attached scheduling order and bring it with them to the initial conference.

At the initial conference, counsel shall be **fully prepared** to discuss this matter and any questions regarding this case, including jurisdiction, the venue, schedules for discovery and for trial, and settlement. Counsel shall be prepared to stipulate to facts as to which there is no genuine dispute: e.g., the time and place of events which are the subject of the litigation, the owners and operators of the instrumentalities or property involved, the status of the parties, the extent of any insurance coverage and whether required administrative procedures have been followed, required notices given, and reports made.

All cases have been assigned to the Court's Electronic Case Filing Program. The parties shall file all future submissions electronically. It is the responsibility of the parties to regularly monitor the status of their cases to avoid missing deadlines and court appearances.

SO ORDERED.

**Dated: Brooklyn, New York
November 19, 2014**

s/
RAMON E. REYES, JR.
UNITED STATES MAGISTRATE JUDGE

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK-----X**

Muchmore's Cafe, LLC
Plaintiff,

-against-

City of New York, et al
Defendant,
-----X

CASE MANAGEMENT PLAN
14-cv-05668 (RRM)(RER)

Upon consent of the parties, it is hereby ORDERED as follows:

1. Defendants shall answer or otherwise move with respect to the complaint by _____.
2. No additional parties may be joined after _____.
3. No amendment of the pleadings will be permitted after _____.
4. Date for completion of automatic disclosures required by Rule 26(a)(1) of the Federal Rules of Civil Procedure, if not yet made: _____.
5. The parties shall make required Rule 26(a)(2) disclosures with respect to:
 - (a) expert witnesses on or before _____.
 - (b) rebuttal expert witnesses on or before _____.
6. All discovery, including depositions of experts, shall be completed on or before _____
(Generally, this date must be no later than 6 months after the initial conference).
7. Pre-motion letters regarding proposed dispositive motions must be submitted within two (2) weeks following the close of all discovery.
8. Do the parties consent to trial before a magistrate judge pursuant to 28 U.S.C. § 636(c)?
(Answer no if any party declines to consent without indicating which party has declined.)
Yes_____ No_____ (undecided)

If parties answer yes, then fill out the **AO 85 (Rev. 01/09) Notice, Consent, and Reference of a Civil Action to a Magistrate Judge** form. The form can be accessed at the following link:
<http://www.uscourts.gov/uscourts/FormsAndFees/Forms/AO085.pdf>.

9. A Telephone Conference set for _____, to be initiated by
Plaintiff or Defendant (Circle one).
* **(The Court will schedule the conference listed above.)**

10. Status Conference will be held on _____.
* **(The Court will schedule the conference listed above)**

11. A Final Pre-trial conference will be held on _____.
* **(The Court will schedule the conference listed above.)**

This scheduling order may be altered or amended upon a showing of good cause not foreseeable at the date hereof.

Dated: Brooklyn, New York

RAMON E. REYES, JR.
UNITED STATES MAGISTRATE JUDGE

CONSENTED TO:

NAME
Attorney for Plaintiff
ADDRESS
E-mail:
Tel.:
Fax:

NAME
Attorney for Defendant
ADDRESS
E-mail:
Tel.:
Fax: